

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks. In this Amendment claim 34 is amended, claims 59-62 are added, and no claims are canceled (claims 1-22, 24-25, 33, 35-36 and 45 were previously canceled). As a result, claims 23, 26-32, 34, 37-44 and 46-62 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, at pages 10-11 of the specification.

In the non-final Office Action of March 5, 2008, claims 23, 32, 34, 41 and 47-58 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,063,289 (Jasinski) further in view of U.S. Patent 5,812,085 (Barraza). Claim 39 is rejected under §103 in view of Jasinski further in view of Barraza and yet further in view of so-called applicant's admitted prior art (AAPA). Claims 26, 37 and 42 are rejected under §103(a) in view of Jasinski further in view of Barraza and yet further in view of U.S. Patent 6,188,387 (Hall). Claims 27-31, 38, 40, 43-44 and 46 are rejected under §103(a) in view of Jasinski further in view of Barraza and yet further in view of U.S. Patent 5,900,867 (Schindler). These rejections are obviated in view of the pending claim amendments.

35 U.S.C. §103 Rejections

The §103 rejections of claims 23, 26-32, 34, 37-44 and 46-52 in view of the various hypothetical combinations of Jasinski, Barraza, Hall, Schindler and so-called AAPA are respectfully traversed for at least the following reasons.

The present invention involves a computer pointing device, such as a mouse, that has a control for controlling audio of a multimedia device. This feature advantageously allows a user manipulating the mouse to conveniently raise or lower the volume of speakers or other audio devices connected to the computer without scrambling to find a non-dedicated volume control or wend through a series of windows.

The Office Action relies upon the Jasinski patent for its description of a mouse, acknowledging that Jasinski does not teach a multimedia audio control device. The Office Action then cites the Barraza patent, contending that Barraza overcomes this deficiency of Jasinski. It is respectfully submitted that the secondarily cited Barraza patent does not teach this feature either.

Firstly, the present invention involves a “multimedia audio control device being configured to control only audio of the multimedia device of the computer” as recited in claim 23, and the similar features recited in claims 34 and 41. The “VOL” control button depicted in Figure 4 of the Barraza patent does not appear to conform to these recited features of the claims. In the event the Office continues to maintain the pending rejection, it is respectfully requested that the next official paper indicate any portions of the Barraza patent that resemble these recited claim features.

Secondly, the present invention involves a computer that *incorporates* a multimedia device, which may be, for example, an amplifier operatively coupled to at least one speaker, a radio tuner, a television tuner, and an optical disc player capable of playing audio compact discs. Since the computer incorporates the multimedia device, the multimedia device is controlled via the computer. Control signals for the multimedia device from the mouse are sent to the

computer, which in turn, is coupled to the multimedia device. This is evident from the claims. For example, claims 23 and 41 each recite “a connection that transmits signals generated by the mouse button, the cursor control device and the multimedia audio control device to the computer.” Claim 34 recites “a connection that operatively couples the pointing device to a corresponding port of the computer through which all communication between the pointing device and the computer occurs.” The Barraza patent does not contain any teaching or suggestion for these features of the claims. The Barraza patent is silent as to where the signals from its volume control are sent.

For volume control it is thought that the Barraza device operates in the same manner as a conventional television remote control. For example, as shown in Figure 4 of Barraza, the device is configured with a “TV” control, a “DSS” control (satellite antenna), and a “CABLE” control, in addition to the “VOLUME” control. To adjust the volume of a conventional system a user presses the button for the component to be adjusted—either “TV”, “DSS” or “CABLE”—and then manipulates the “VOLUME” control button to adjust the volume of the selected component. It seems rather unlikely that the Barraza system would route signals through a computer coupled to the various components, and yet the Barraza patent would remain completely silent about this unconventional method of adjusting volume.

Consequently, neither the Barraza nor Jasinski contain any teaching or suggestion pertaining to the claimed feature of “a connection that transmits signals generated by the mouse button, the cursor control device and the multimedia audio control device to the computer” as recited in claims 23 and 41, or the claimed feature of “a connection that operatively couples the pointing device to a corresponding port of the computer through which all communication

between the pointing device and the computer occurs” as recited in claim 34. The third and fourth cited patent documents in the rejections to Hall and Schindler do not overcome these deficiencies of Jasinski and Barraza.

Accordingly, it is respectfully submitted that the Jasinski, Barraza, Hall and Schindler, either taken singly or in various hypothetical combinations, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejections is earnestly requested.

Newly Added Claims

Dependent claim 59 is similar in scope to dependent claim 40 now pending in the application.

Dependent claim 60 is added by this Amendment reciting “wherein the multimedia device is configured to receive audio control signals from said computer.” Newly added dependent claims 61-62 recite similar features. It is felt that the claimed features of these new claims, taken in combination with the pending claim features, clearly distinguish the present invention from the prior art. For example, none of the cited documents, taken singly or in hypothetical combination, teach or suggest the newly added claim features in combination with “a connection that transmits signals generated by the mouse button, the cursor control device and the multimedia audio control device to the computer” as recited in claim 23, or the similar features of claims 34 and 41.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that the RCE Transmittal attends to the required claim fees, and the accompanying petition for a one-month extension of time is sufficient for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

The Brevetto Law Group, PLLC
107 S. West Street, #765
Alexandria, Virginia 22314

Date: June 4, 2008